bestow enough thoughts on problems. I think it would be in the best interests of the State that the Ministers should give a bold lead. There are a number of Secretaries attached to various Departments. There are a number of departmental heads attached to various departments. I think the responsibility will have to be fixed on the Secretaries of the Departments and Heads of the Departments whose duty it will be to implement the policy decisions given by the Ministers. It has also come to our notice.

Sri C. J. MUCKANNAPPA.—Do you want that more power must be given to Secretaries?

Sri S. M. KRISHNA.—I really do not mean that more powers will have to be given to the Secretaries. The point that I am driving home is this; that today most of the time of the Ministers is spent not only in formulating policies but also in trying to implement these policies. While speaking generally or theoretically, the ultimate responsibility will have to be fixed on the Minister. If the policy fails, it is the Minister who will be ultimately responsible. But today as it is in the present framework, the Secretary does not have any responsibility at all. If you ask any Secretary to Government he will have a sign look to the Minister'. I think that is belittling him.

Sri C. J. MUCKANNAPPA.—To know his mind.

Sri S. M. KRISHNA.—Exactly to know the mind of the Minister. I do not think the originators of Cabinet Form of Government ever thought of knowing the minds of the Minister. What is that mind? Is it public mind or private mind? That is the distinction we will have to draw. Any way the responsibility of the Secretary should be fixed and the Secretary ultimately will have to be a little more active. Today, as it is the Secretaries are all passive. That is on account of the fact that the Minister has absorbed all the duties and responsibilities. So, to that extent, the Secretary has been today ineffective. Even that office itself has become ornamental so to say. So, the Ministers will have to delegate certain of these powers to the Departmental Secretaries so that they could really feel that they are responsible for the implementation of certain of these policies laid out. Sir, now I come to the burning question of the tours conducted by the Ministers. At one stage, the report points out that about Rs. 138 lakhs are being spent on travelling allowance.

Mr. SPEAKER.—The Hon'ble Member may verify at his leisure about the accuracy of the figures. Now the House will rise for lunch and meet after half an hour.

The House adjourned for recess at Three of the Clock and re-assembled at Thirty Minutes past Three of the Clock.

[Mr. Speaker in the Chair.]

Chair's Ruling re: making Policy Statements to the Press when the House is in Session.

Mr. SPEAKER.—On 10th September 1962, the Leader of the Opposition, the Hon'ble member Sri S. Shivappa referred to a meeting of the pressmen by the Hon'ble Chief Minister, a report of which had appeared in some of the newspapers. He objected to certain statements made by the Hon'ble Chief Minister to the pressmen at that meeting on the ground that when the House was in session any important pronouncement relating to the affairs of the State should be first made in the House and not outside to the Press. He alleged that this amounted to a breach of privilege as the first right of disclosure was to the House with regard to any policy statements. After the Hon'ble Leader of the Opposition raised this point, a few other Hon'ble members

(MR. SPEAKER)

also spoke in support of this contention. On that occasion, I said that I would examine the earlier rulings in the Assemblies and elsewhere and give my ruling later.

So far as the claim of a breach of privilege is concerned, I would like to refer to Art. 194 of the Constitution which forms the bassis of any claim of privilege. Clause (1) of Article 194 refers to the freedom of speech in the Assembly. Clause (2) refers to protection for anything said or any vote given by a member in the Assembly. It is with Clause (3) that we are more directly concerned. This. Clause reads as follows:

Cl (3) of Art. 194 of the Constitution:

> "In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the Committee of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution."

It will be thus seen that in order to claim any privilege, we have to first ascertain whether such a privilege exists in the House of Commons of the Parliament of the United Kingdom. None of the Hon'ble Members who spoke on this issue were able to refer to a single incident in the House of Commons where such a privilege was either claimed or upheld. On the other hand, from an extract of the Proceedings of the House of Commons of the 25th May 1950 which finds a place in an earlier ruling given by my predecessor on the 1st December 1958 (1-12-1958) to which I shall refer later, it will be seen that any such Statement made by a Minister outside the House of Commons was not subject to any breach of privilege. On the other hand, what was ascerted on that occasion was a breach of the etiquette or convention. To this point, I shall refer later. As a breach of Privilege no such issue has ever been raised in the House of Commons. It may be therefore safely asserted that making of policy statements outside the House whether the House is in session or not, would not be a breach of privilege in the House of Commons. It, therefore follows from the provisions of the Constitution that in our Assembly no such claim can be made. One may categorically state that it would not amount to a breach of privilege.

Incidentally and though it is not necessary to refer to it on this occasion, I might state that Chapter XX of our Rules of Procedure sets out the manner in which a question involving a breach of privilege should be raised. In the present case, that procedure has not been followed.

I would like also, on this occasion, to refer to the other aspect of the question *viz.*, whether it would amount to any breach of convention or a breach of any well-established etiquette. This aspect of the matter has been discussed in great detail in the ruling of my predecessor referred to by me earlier *viz.*, the ruling given on a point of order identical to one now under examination and which finds a place in the proceedings of our Assembly dated 1st December 1958. On that occasion, my predecessor observed:

> "I have examined the point at great length and I find no instance where any convention has been asserted or any principle laid down that invariably all ministerial statements should be made in the House. It is desirable that as far as possible ministerial state ments in respect of important matters involving a change in policy should be made in the House when the House is in session, since this will enable the matter to be brought to the notice of the Legislature which ultimately controls the policy of the Government."

He has, thereafter, referred to the proceedings of the House of Commons, a good portion of which he has extracted in his ruling and which I do not like to repeat on this occasion

except to refer to one small quotation from the speech of Mr. Morrison, Acting Prime Minister. He said:

> "I do not dissent from the initial and fundamental principle expressed by the Hon'ble friend, but I thought, on the whole that Ministers lived up to these things. I shall keep the point of my Hon'ble friend in mind and I do challenge his fundamental point. It is a matter for judgment on the merits of the case."

I would also like to refer to a ruling by the Deputy Speaker in the Lok Sabha on the 1st September 1953. The Deputy Speaker was referring to an objection about the Press having come to know about certain intentions of the Government in regard to the Estate Duty Bill which was then under consideration. The Deputy Speaker stated:—

> "Even when the Bill, as it is a money bill, is before the House and such a serious suggestion is sought to be made, normally the House, when it is in session, must be the first to know of any such attempts on the part of the Government. I have also been noticing when the House is sitting here that some statements are being made. I have received some complaints or letters from Hon'ble Members that when the House is in session, here, some Hon'ble Ministers are making statements in Bombay and elsewhere regarding policies. The practice has been that so long as the House is in session, the House ought to be the first to know of any particular policy or of a change of policy; when the House is not in session, of course, it is left to the Government because the House is not in session. Any information must proceed, as far as possible, from the House and the Hon'ble Members ought not to have to look to something else and get information and be taken by surprise."

It will thus be seen that the utmost extent to which one can go in respect of this matter is to say that it is desirable that as far as possible, when the House is in session, any policy statement should be made to the House first and not elsewhere.

Having said so much, one has to examine whether in the case now under consideration the Hon'ble Chief Minister did really make any policy statement in his Press Conference to which reference is now made. The Leader of the Opposition, in taking objection to the Chief Minister's statement, referred to the Kasargod matter. I am sure, Hon'ble Members will remember that the Leader of the Opposition himself referred to this matter on the floor of the House and wanted an opportunity to discuss this subject in the House. Two or three other Hon'ble Members also referred to this matter. Thereafter, the Chief Minister stated that he wanted to submit this much, *i.e.*, that certain persons from Kasargod have come; they are nearly 200 people. I have seen them and a memorandum has been given to me. In respect of this matter, I disclosed my full sympathy. I will speak further with them." From this statement of the Hon'ble Chief Minister, it is clear that the intention of the Government is one of full sympathy and support for the Kasargod matter. In the Press interview also he has given expression to an identical statement of policy. It is therefore, clear that in the Press statement, the Hon'ble Chief Minister did not say anything new or anything which indicated a change of policy from the one which appeared from the Chief Minister's statement on the floor of the House.

In conclusion, I may state that the right of first disclosure is not a right which can be claimed as a privilege. It is more a matter of wholesome etiquette. Having said this much, one has to examine every statement on its merits before determining whether even this breach of etiquette has occurred. In the present case, I am clearly of opinion that no new statement of policy was disclosed to the Press and that therefore there has

(MR. SPEAKER)

not been even a breach of the etiquette. There is therefore no need to call upon the Chief Minister to make any statement by way of explanation.

I would only say again to the Hon'ble members, that they should follow the procedure that is set out in chapter 20. Suddenly getting up and making an oral statement and raising that as a point of order and ultimately come to the question of privilege, puts the whole matter in an embarassing position. If Hon'ble members want to claim as a matter of privilege, they should follow the procedure set out in chapter 20.

REPORT OF THE RESOURCES AND ECONOMY COMMITTEE.

Motion to consider.

(Debate continued).

Sri S. M. KRISHNA.—Sir, I was referring to various travels undertaken by Ministers. I said that a sum of Rs. 138 lakhs has been spent. I would not like that to go on record, that Ministers have spent Rs. 138 lakhs. It is Government officers that have drawn...

Mr. SPEAKER.—You mean, more than a lakh for every Minister.

Sri S. M. KRISHNA.—I hope it will never happen in this State or in this country.

Mr. SPEAKER.—I do not think so.

Sri S. M. KRISHNA.—Now, I have got to make a few observations on this question of travels of ministers. Sir, even the report of the committee points out that there has been considerable dissatisfaction both inside the House as well as outside, that these travels are arranged in haste, travels, which I may put it, whirlwind in nature, are being conducted by Ministers and Deputy Ministers. I think the call today is for austerity. The call given by men in authority is always to tighten the belt. But the question is where tightening of the belt should start. I for one feel that tightening of the belt should start right from the Chief Minister of a State. But today, how many instances can we on this side quote—of a Minister or a Deputy Minister making a journey of 120 miles to declare open a Sisu-Vihar. The amount spent on a Sisu-Vihar is about three to four thousand rupees. The Deputy Minister at the cost of the State makes a junket to a particular place to declare open a Sisu-Vihar. Sir, there is absolutely no justification for such a travel. Only the other day, I was paying compliment to certain of the Ministers who made a sudden dash to Ramanagaram when there was flood situation. I was the first to congratulate those Ministers because they went there, because the call of duty and patriotism forced them to go to Ramanagaram. But I will be the first one to declare vehemently if a Minister or Deputy Minister had undertaken a tour to declare open a Sisu-Vihar. I for one feel that such travels ought to be curbed and ought to be discouraged by the ruling party. On page 138 of the Report, it is said :

> "Thus the expenditure on Ministers and Deputy Ministers aggregates to Rs. 7,83,276 per mensem, exclusive of the depreciation on the value of cars, rent, electricity and water charges, etc. The expenditure on T.A. to Ministers is now more than a lakh of rupees a year and is on the increase. There is a strong public feeling regarding the rather unplanned and unsystematic touring by Ministers. We have no doubt about the sincere desire of the Ministers to keep in close touch with the people and to acquaint themselves with the conditions prevailing in the State. But in the public opinion the tours of the Ministers and Deputy Minister are too frequent and short to be of benefit to the people or economical expenditure."

I wholeheartedly agree with the suggestion made here that Ministers should make tours. I might, as a member representing a particular constitueney, request the Minister to